

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 09, 2021**

The regular meeting of the Common Council of the City of Marshall was held November 9, 2021, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Don Edblom, John DeCramer, and Russ Labat. Absent: James Lozinski. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Bob VanMoer, Wastewater Treatment Facility Superintendent; Scott Truedson; Wastewater Treatment Facility Assistant Superintendent, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the amended agenda.

Consider approval of the minutes from the regular meeting held on October 26, 2021.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the minutes of the regular meeting held on October 26, 2021 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Consider Approval of the Consent Agenda

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Approval of the Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0278134 to Bolton & Menk, Inc.

Approval of a New Federal Grant Policy

Approval of a LG220 Application for Exempt Permit for United Way of Southwest Minnesota.

Approval of the bills/project payments

Wastewater Treatment Facilities Improvement Project – Project Update Presentation.

There are a few minor items to address and paperwork to complete, but the WWTF Improvements Project is substantially completed. Bob VanMoer, Wastewater Superintendent, and Scott Truedson, Assistant Superintendent, will be present to provide Council with a summary and project update presentation.

City staff would like to coordinate a few facility tours for Council members. At a later date, we will circulate some dates and times to set up a few opportunities to take Council through the facility at their convenience. The tour will be a good opportunity for our City Council to see and understand our wastewater treatment process, as well as visualize the improvements that occurred at the facility.

Consider Resolution Authorizing Execution of Mn/DOT Airport Maintenance & Operation Grant Contract No. 1047551 (SFY 2022-2023).

Resolution of Authorization to Execute Minnesota Department of Transportation Airport Maintenance and Operation Grant Contract No. 1047551 and a copy of the Airport Maintenance & Operation Grant Contract No. 1047551 from Mn/DOT-Office of Aeronautics. The agreement has been provided to the City Attorney for his review and comment.

The City will be reimbursed by the State for 100% of telecommunication costs associated with the operation of state-owned navigational aids. The City will be paid by the State for 75% of all other eligible maintenance and operation costs not reimbursed by any other source, not to exceed \$91,027 of State aid for each State fiscal year 2022 and 2023 (July 1, 2021-June 30, 2023). Eligible maintenance and operations costs will be determined at the sole discretion of State's Authorized Representative.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 21-085, which is the Resolution of Authorization to Execute Minnesota Department of Transportation Airport Maintenance and Operation Grant Contract No. 1047551, contingent upon City Attorney review and approval. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement.

A resolution necessary for the initiation of the special assessment procedures for Project ST-003 South 1st Street/Greeley Street/Williams Street Reconstruction Project.

This project consists of reconstruction and utility replacement on South 1st Street from George Street to Greeley Street, on Greeley Street from West College Drive to Saratoga Street, and on Williams Street from Maple Street to George Street; sanitary sewer, watermain, and storm sewer will be replaced. This project will also include new curb & gutter, new 5-ft. sidewalk on one or both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

All improvements are proposed to be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom that the Council adopt RESOLUTION NUMBER 21-086, which is the "Resolution Ordering Preparation of Report on Improvement" for Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Project ST-004: Halbur Road Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement.

This project consists of reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer will be replaced with a concrete paved surfacing. This project will also include new curb & gutter, driveway aprons, and sewer services to the right-of-way.

All improvements are proposed to be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 21-087, which is the "Resolution Ordering Preparation of Report on Improvement" for Project ST-004: Halbur Road Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Project Z51-2021: Bituminous Resurfacing on Various City Streets – Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request No. 4.

This project consisted of street milling and overlay on various city streets.

Streets include:

- London Road (Madrid Street to Channel Parkway)
- Athens Avenue (Madrid Street to Paris Road)
- Oslo Avenue (Madrid Street to Dublin Street)
- Rainbow Drive (Madrid Street to Paris Road)
- Parkside Drive (Lyon Street to Jewett Street)
- Woodland Way
- Garden Circle
- Baseline Drive (Nwakama Street to Clarice Avenue)

The items on Change Order No. 2 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.

All work has been completed in accordance with the specifications. The capital budget included \$625,000 for this work. Change Order No. 2 (Final) results in a contract increase in the amount of \$12,195.70 and the final contract amount was \$592,599.98. The original contract amount was \$580,564.28.

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom s: that the Council approve Change Order No. 2 (Final), resulting in a contract increase in the amount of \$12,195.70 and acknowledge Final Pay Request (No. 4) in the amount of \$3,500.00 for the above-referenced project to Duininck, Inc. of Prinsburg, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Labat. The motion **Carried. 6-0**

Project Z75/SAP 139-124-004: South 4th Street Reconstruction Project - Consider Change Order No. 5 (Final) and Acknowledgment of Final Pay Request No. 9.

This project consisted of the following: reconstruction and utility replacement on South 4th Street from the intersection of Elaine Avenue and South 4th Street to the intersection of Country Club Drive and South 4th Street. Utility work included sanitary sewer, watermain, and storm sewer replacement. This project also included new curb and gutter, new 5-ft. sidewalk on the west side of the street, driveway aprons, water services, and sewer services to the right-of-way. The items on Change Order No. 5 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.

All work has been completed in accordance with the specifications. Change Order No. 3 (Final) results in a contract decrease in the amount of (\$28,917.22) and the final contract amount was \$2,565,722.82. The original contract amount was \$2,583,754.90.

Motion made by Councilmember Labat, Seconded by Councilmember Meister that the Council approve Change Order No. 5 (Final), resulting in a contract decrease in the amount of (\$28,917.22) and acknowledge Final Pay Request (No. 9) in the amount of \$9,937.00 for the above-referenced project to R&G Construction Co. of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

Project Z76: South 1st Reconstruction Project - Consider Change Order No. 4 (Final) and Acknowledgment of Final Pay Request No. 6.

This project consisted of reconstruction and utility replacement on South 1st Street generally between Southview Drive and George Street. Water, sanitary sewer, and storm sewer catch basins were replaced along South 1st Street in this area. Sidewalk was added along the west side of the street to provide connection to existing sidewalk north of the project area on South 1st Street and existing sidewalk at Southview Drive. This project also included new curb and gutter, driveway aprons, and water services. In addition to the utility replacement and street reconstruction on South 1st Street, sanitary sewer force main improvements were made at the intersection of South 1st Street and DeSchepper Street.

The items on Change Order No. 4 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications. Final Pay Request (No. 6) in the amount of \$4,159.25.

Change Order No. 4 (Final) results in a contract increase in the amount of \$15,298.53 and the final contract amount was \$624,728.83. The original contract amount was \$617,136.55. The difference between the final contract amount and the original contract amount is \$7,592.28 which equates to a 1.23% contract overrun. This amount fits within the Council-approved 5% project contingency for these types of projects.

Motion made by Councilmember Edblom, Seconded by Councilmember DeCramer that the Council approve Change Order No. 4 (Final), resulting in a contract increase in the amount of \$15,298.53 and acknowledge Final Pay Request (No. 6) in the amount of \$4,159.25 for the above-referenced project to Duininck, Inc. of Prinsburg, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed.**

Project Z82: North 1st Street Reconstruction Project – Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 7.

This project consisted of reconstruction and utility replacement on North 1st Street from East Main Street to West Marshall Street, on West Redwood Street from East College Drive to North 1st Street, and on West Marshall Street from East College Drive to North 1st Street; sanitary sewer, watermain, and storm sewer will be replaced. This project also included new curb & gutter, new 5-ft. sidewalk on both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

The items on Change Order No. 3 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.

All work has been completed in accordance with the specifications. Final Pay Request (No. 7) in the amount of \$10,575.52.

Change Order No. 3 (Final) results in a base bid pay item decrease in the amount of (\$23,703.34) and final pay request No. 7 results in a total contract amount of \$1,057,552.21. The original contract amount was \$1,051,247.90.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council approve Change Order No. 3 (Final) and acknowledge Final Pay Request (No. 7) in the amount of \$10,575.52 for the above-referenced project to D&G Excavating, Inc. of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Meister. The motion **Passed. 5-1**

Statement of Annual Performance Evaluation for the City Administrator

Mayor Byrnes read the summary of conclusions into the minutes.

Sharon Hanson began employment as Marshall City Administrator November 16, 2017. Each year on or about the anniversary date of her employment as Administrator, the City Council conducts a review of the administrator's performance. The evaluation instrument evaluated ten critical competencies for a total of 48 performance measures. Each performance measure was assigned a numeric score of 1 to 5 with 5 being the highest performance level. The City Council reviewed the results of the performance review with Administrator Hanson at a special meeting November 9, 2021.

Critical Performance Criteria and compiled performance scores summarized as follows:

- Job Knowledge and Professional Skill: 4.50
- Relations with Elected Members of the City Council: 4.27
- Policy Execution: 4.42
- Strategic Vision: 4.41
- Fiscal Management: 4.20
- Intergovernmental Affairs: 4.14
- Reporting and Communication: 4.45
- Citizen/ Community Relations: 4.60
- Staffing: 4.20
- Supervision: 4.13

Overall Performance Evaluation measure for all Criteria from all City Council Members and Mayor is 4.33, indicating a high level of performance, highly effective leadership and performance often exceeding the challenging performance expectations established for this position.

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

Edblom No Report

DeCramer Diversity, Equity, and Inclusion Commission met and began to plan a future World Café event after the beginning of the new year.

Labat Convention and Visitors Bureau met and reviewed the community support grants. To date the CVB has issued \$11,250 in grants for various organizations. The Red Baron Area received approximately \$31,000 in dasher board sales for 2022 along with 17 booked weekends, including 7 weddings.

Library Board met and provided an update regarding COVID 19 procedures. The Board has settled on a 5.2% increase for 2022. A policy has been reviewed and adopted for material and lending. A strategic plan draft was approved for a two-year plan.

Councilmember Individual Items

Councilmember Meister commented on a tour bus from the Twin Cities came to Marshall over the weekend to visit downtown Marshall.

Councilmember Labat discussed school zone crossing and signs that will be reviewed in the future.

City Administrator

City Administrator Sharon Hanson commented that a Strategic Plan updated work session will be scheduled in the near future.

Administrator Hanson provided a brief update on the City Hall Committee. Final payment discussions have started with Change Order 15.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson provided an update on project quarterly newsletters and area projects.

City Attorney

City Attorney Dennis Simpson provided an update on the closing on 800 North HWY 59 on November 18. Helena Chemical property has had excavation work completed with contaminated piles of dirt that will remain covered over the winter months. A court hearing has been scheduled for the enforcement of council action to remove manufactured homes from Broadmoor Valley for December 6, 2021.

Information Only

There were no questions on the information items.

Administrative Brief

There were no questions on the Admin. Brief.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:23 P.M., Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, The motion **Carried. 6-0**

Mayor

Attest:

City Clerk